IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 207 **/2004**

PETITIONER : Sohan Das, aged 35 Years, S/o. Late Latkhor Das, R/o. Village Sarwandi, Vikas Khand Narharpur, District Nort Bastar Kanker (C.G.)

VERSUS

RESPONDENTS :1. The State of Chhattisgarh Through Secretary Department of Rural and Panchayat Development D.K.S. Bhawan, Raipur (C.G.)

2. The Collector (Panchayat) District North Bastar Kanker (C.G.)

3. The Chief Executive Officer Janpad Panchayat Narharpur Distt. North Bastar Kanker (C.G.)

4. Sarpanch Gram Panchayat Sarwandi Janpad Panchayt Narharpur Distt. North Bastar Kanker(C.G.)

P. R. No. 230/04 Presented by Shri D.N. Pardhi dated 21.1.04

RECEIVER-COPY 21.1.04 Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER**

the cause title.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(37)

आदेश पत्रक

मामला क्रमांक WP No. 207 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06.02.2004

Shri D.N. Prajapati, counsel for the petitioner.

Shri P. Das, Panel Lawyer for the State.

By this writ petition under Article 226/227 of the Constitution of India the petitioner has challenged the order dated 10.12.2003 (Annexure P-3) issued by respondent No.2- Collector and also order dated 19.12.2003 (Annexure P-1) issued by respondent No.4- Sarpanch in pursuance of the order issued by the Collector.

The case of the petitioner is that on 19.08.2003 the petitioner was appointed as contract teacher Class-III and was posted at Primary Middle School, Sarwandi. The petitioner was working with all sincerity since his appointment but all of a sudden respondent No.2 vide order dated 10.12.2003 (Annexure P-3) cancelled the appointment of the petitioner on the complaint made by one Mohan Rao and other villagers at Village Panchayat Sarwandi without giving any opportunity of hearing to him.

I have heard learned counsel for the parties.

Learned counsel for the petitioner submits that the petitioner service has been terminated without giving any opportunity to him.

I have perused the order-dated 10.12.2003 (Annexure P-3) passed by the Collector-respondent No.2. A perusal of which reveals that a complaint was made by one Mohan Rao and other villagers at Village Panchayat Sarwandi and the matter was enquired into by the Panchayat Samaj Shiksha Sangathak, Janpad Panchayat, Narharpur, Distt. Bastar and on enquiry it was found that on

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

29

आदेश पत्रक

मामला क्रमांक 207/07 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -27	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19.08.2003 for the post of contract teacher 15 candidates were invited for interview in which the petitioner was selected but it was found that the selection committee do not select the first three candidates and selected the petitioner who was at Serial No.14 in the merit list. The first three candidates were local candidates and they had the knowledge of Chhattisgadi language even they were awarded zero marks whereas the petitioner was at Serial No.14 and on the ground of knowledge of Chhattisgadi language he was awarded 16 marks. Moreover, the selection of the petitioner was vitiated on account of the fact that the brother of the petitioner was the member of the selection board. Therefore, on all these grounds the Collector found irregularity in the selection process and directed for the cancellation of the appointment of the petitioner and in pursuance of that the Sarpanch vide order dated 19.12.2003 cancelled the appointment of the petitioner.

On the face of order dated 10.12.2003 [Annexure P-3] it is proved that the selection of the petitioner was made in an irregular manner because the brother of the petitioner was in the selection committee. Moreover, the candidate Nos.1to3 who have the knowledge of the Chhattisgadi language were given zero marks whereas the petitioner was given 16 marks on account of which the petitioner was selected in preference of the candidates No.1 to 3. In view of the fact, I do not find any substance or irregularity in the impugned order. Therefore, the petition of the petitioner is liable to be dismissed and it is dismissed.

Sd/-
L.C.BHADOO
Judge